



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2367

Introduced 2/19/2009, by Rep. Mike Boland

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Property Tax Code. Awards an assessment freeze homestead exemption to disabled veterans who qualify for a disabled or handicapped veterans' license plate. Provides that the amount of the exemption is the equalized assessed value of the residence in the taxable year for which application is made minus the equalized assessed value of the residence in the taxable year in which the applicant qualified for the exemption plus the first year's equalized assessed value of any added improvements that increased the assessed value of the residence after the base year. Makes corresponding changes to cross-references in the provisions concerning certification, certificate of errors, other exemptions, and delinquency notices. Amends various Acts concerning tax increment financing to deduct the exemption from assessed value calculations for entities that have adopted tax increment allocation financing under these provisions. Amends the State Mandates Act to require implementation without reimbursement. Effective July 1, 2009.

LRB096 07914 HLH 18017 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

HOUSING  
AFFORDABILITY  
IMPACT NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Economic Development Area Tax Increment  
5 Allocation Act is amended by changing Section 6 as follows:

6 (20 ILCS 620/6) (from Ch. 67 1/2, par. 1006)

7 Sec. 6. Filing with county clerk; certification of initial  
8 equalized assessed value.

9 (a) The municipality shall file a certified copy of any  
10 ordinance authorizing tax increment allocation financing for  
11 an economic development project area with the county clerk, and  
12 the county clerk shall immediately thereafter determine (1) the  
13 most recently ascertained equalized assessed value of each lot,  
14 block, tract or parcel of real property within the economic  
15 development project area from which shall be deducted the  
16 homestead exemptions provided by Sections 15-167.5, 15-170,  
17 15-175, and 15-176 of the Property Tax Code, which value shall  
18 be the "initial equalized assessed value" of each such piece of  
19 property, and (2) the total equalized assessed value of all  
20 taxable real property within the economic development project  
21 area by adding together the most recently ascertained equalized  
22 assessed value of each taxable lot, block, tract, or parcel of  
23 real property within such economic development project area,

1 from which shall be deducted the homestead exemptions provided  
2 under Article 15 of the Property Tax Code, and shall certify  
3 such amount as the "total initial equalized assessed value" of  
4 the taxable real property within the economic development  
5 project area.

6 (b) After the county clerk has certified the "total initial  
7 equalized assessed value" of the taxable real property in the  
8 economic development project area, then in respect to every  
9 taxing district containing an economic development project  
10 area, the county clerk or any other official required by law to  
11 ascertain the amount of the equalized assessed value of all  
12 taxable property within that taxing district for the purpose of  
13 computing the rate per cent of tax to be extended upon taxable  
14 property within that taxing district, shall in every year that  
15 tax increment allocation financing is in effect ascertain the  
16 amount of value of taxable property in an economic development  
17 project area by including in that amount the lower of the  
18 current equalized assessed value or the certified "total  
19 initial equalized assessed value" of all taxable real property  
20 in such area. The rate per cent of tax determined shall be  
21 extended to the current equalized assessed value of all  
22 property in the economic development project area in the same  
23 manner as the rate per cent of tax is extended to all other  
24 taxable property in the taxing district. The method of  
25 allocating taxes established under this Section shall  
26 terminate when the municipality adopts an ordinance dissolving

1 the special tax allocation fund for the economic development  
2 project area, terminating the economic development project  
3 area, and terminating the use of tax increment allocation  
4 financing for the economic development project area. This Act  
5 shall not be construed as relieving property owners within an  
6 economic development project area from paying a uniform rate of  
7 taxes upon the current equalized assessed value of their  
8 taxable property as provided in the Property Tax Code.

9 (Source: P.A. 95-644, eff. 10-12-07.)

10 Section 10. The Property Tax Code is amended by changing  
11 Sections 15-10, 15-165, 15-168, 15-169, 20-178, and 21-135 and  
12 adding Section 15-167.5 as follows:

13 (35 ILCS 200/15-10)

14 Sec. 15-10. Exempt property; procedures for certification.  
15 All property granted an exemption by the Department pursuant to  
16 the requirements of Section 15-5 and described in the Sections  
17 following Section 15-30 and preceding Section 16-5, to the  
18 extent therein limited, is exempt from taxation. In order to  
19 maintain that exempt status, the titleholder or the owner of  
20 the beneficial interest of any property that is exempt must  
21 file with the chief county assessment officer, on or before  
22 January 31 of each year (May 31 in the case of property  
23 exempted by Section 15-167.5 or 15-170), an affidavit stating  
24 whether there has been any change in the ownership or use of

1 the property or the status of the owner-resident, or that a  
2 disabled veteran who qualifies under Section 15-165 owned and  
3 used the property as of January 1 of that year. The nature of  
4 any change shall be stated in the affidavit. Failure to file an  
5 affidavit shall, in the discretion of the assessment officer,  
6 constitute cause to terminate the exemption of that property,  
7 notwithstanding any other provision of this Code. Owners of 5  
8 or more such exempt parcels within a county may file a single  
9 annual affidavit in lieu of an affidavit for each parcel. The  
10 assessment officer, upon request, shall furnish an affidavit  
11 form to the owners, in which the owner may state whether there  
12 has been any change in the ownership or use of the property or  
13 status of the owner or resident as of January 1 of that year.  
14 The owner of 5 or more exempt parcels shall list all the  
15 properties giving the same information for each parcel as  
16 required of owners who file individual affidavits.

17 However, titleholders or owners of the beneficial interest  
18 in any property exempted under any of the following provisions  
19 are not required to submit an annual filing under this Section:

20 (1) Section 15-45 (burial grounds) in counties of less  
21 than 3,000,000 inhabitants and owned by a not-for-profit  
22 organization.

23 (2) Section 15-40.

24 (3) Section 15-50 (United States property).

25 If there is a change in use or ownership, however, notice  
26 must be filed pursuant to Section 15-20.

1           An application for homestead exemptions shall be filed as  
2 provided in Section 15-167.5 (disabled veterans assessment  
3 freeze homestead exemption), Section 15-170 (senior citizens  
4 homestead exemption), Section 15-172 (senior citizens  
5 assessment freeze homestead exemption), and Sections 15-175  
6 (general homestead exemption), 15-176 (general alternative  
7 homestead exemption), and 15-177 (long-time occupant homestead  
8 exemption), respectively.

9           (Source: P.A. 95-644, eff. 10-12-07.)

10           (35 ILCS 200/15-165)

11           Sec. 15-165. Disabled veterans. Property up to an assessed  
12 value of \$70,000, owned and used exclusively by a disabled  
13 veteran, or the spouse or unmarried surviving spouse of the  
14 veteran, as a home, is exempt. As used in this Section, a  
15 disabled veteran means a person who has served in the Armed  
16 Forces of the United States and whose disability is of such a  
17 nature that the Federal Government has authorized payment for  
18 purchase or construction of Specially Adapted Housing as set  
19 forth in the United States Code, Title 38, Chapter 21, Section  
20 2101.

21           The exemption applies to housing where Federal funds have  
22 been used to purchase or construct special adaptations to suit  
23 the veteran's disability.

24           The exemption also applies to housing that is specially  
25 adapted to suit the veteran's disability, and purchased

1 entirely or in part by the proceeds of a sale, casualty loss  
2 reimbursement, or other transfer of a home for which the  
3 Federal Government had previously authorized payment for  
4 purchase or construction as Specially Adapted Housing.

5 However, the entire proceeds of the sale, casualty loss  
6 reimbursement, or other transfer of that housing shall be  
7 applied to the acquisition of subsequent specially adapted  
8 housing to the extent that the proceeds equal the purchase  
9 price of the subsequently acquired housing.

10 For purposes of this Section, "unmarried surviving spouse"  
11 means the surviving spouse of the veteran at any time after the  
12 death of the veteran during which such surviving spouse is not  
13 married.

14 This exemption must be reestablished on an annual basis by  
15 certification from the Illinois Department of Veterans'  
16 Affairs to the Department, which shall forward a copy of the  
17 certification to local assessing officials.

18 A taxpayer who claims an exemption under Section 15-167.5,  
19 15-168, or 15-169 may not claim an exemption under this  
20 Section.

21 (Source: P.A. 94-310, eff. 7-25-05; 95-644, eff. 10-12-07.)

22 (35 ILCS 200/15-167.5 new)

23 Sec. 15-167.5. Disabled veterans assessment freeze  
24 homestead exemption.

25 (a) This Section may be cited as the Disabled Veterans

1 Assessment Freeze Homestead Exemption.

2 (b) As used in this Section:

3 "Applicant" means a veteran of the Armed Forces of the  
4 United States who qualifies for a disabled or handicapped  
5 veterans' license plate under Section 3-609 or Section 3-609.01  
6 of the Illinois Vehicle Code.

7 "Base amount" means the base year equalized assessed value  
8 of the residence plus the first year's equalized assessed value  
9 of any added improvements that increased the assessed value of  
10 the residence after the base year.

11 "Base year" means the taxable year prior to the taxable  
12 year for which the applicant first qualifies and applies for  
13 the exemption if, in the prior taxable year, the property was  
14 improved with a permanent structure that was occupied as a  
15 residence by the applicant who was liable for paying real  
16 property taxes on the property and who was either (i) an owner  
17 of record of the property or had legal or equitable interest in  
18 the property as evidenced by a written instrument or (ii) had a  
19 legal or equitable interest as a lessee in the parcel of  
20 property that was single family residence. If, in any  
21 subsequent taxable year for which the applicant applies and  
22 qualifies for the exemption, the equalized assessed value of  
23 the residence is less than the equalized assessed value in the  
24 existing base year, then that subsequent taxable year becomes  
25 the base year unless that lower equalized assessed value is  
26 based on an assessed value that results from a temporary

1 irregularity in the property that reduces the assessed value  
2 for one or more taxable years. The selected year is the base  
3 year for taxable year 2009 and thereafter until a new base year  
4 is established under the terms of this paragraph.

5 "Life care facility that qualifies as a cooperative" means  
6 a facility as defined in Section 2 of the Life Care Facilities  
7 Act.

8 "Residence" has the meaning set forth under Section 15-172.

9 (c) Beginning in taxable year 2009, an assessment freeze  
10 homestead exemption is granted for real property that is  
11 improved with a permanent structure that is occupied as a  
12 residence by an applicant who is liable for paying real  
13 property taxes on the property and who is an owner of record of  
14 the property or has a legal or equitable interest in the  
15 property as evidenced by a written instrument. This homestead  
16 exemption also applies to a leasehold interest in a parcel of  
17 property improved with a permanent structure that is a single  
18 family residence that is occupied as a residence by an  
19 applicant who has a legal or equitable ownership interest in  
20 the property as lessee and who is liable for the payment of  
21 real property taxes on that property.

22 The amount of this exemption is the equalized assessed  
23 value of the residence in the taxable year for which  
24 application is made minus the base amount. If the applicant is  
25 an unmarried surviving spouse of a qualified disabled veteran  
26 for a prior year for the same residence for which an exemption

1 under this Section has been granted, then the base year and  
2 base amount for that residence are the same as for the  
3 applicant for the prior year.

4 Each year, at the time the assessment books are certified  
5 to the county clerk, the board of review or board of appeals  
6 shall give to the county clerk a list of the assessed values of  
7 improvements on each parcel qualifying for this exemption that  
8 were added after the base year for this parcel and that  
9 increased the assessed value of the property.

10 In the case of land improved with an apartment building  
11 owned and operated as a cooperative or a building that is a  
12 life-care facility that qualifies as a cooperative, the maximum  
13 reduction from the equalized assessed value of the property is  
14 limited to the sum of the reductions calculated for each unit  
15 occupied as a residence by an applicant who is liable, by  
16 contract with the owner or owners of record, for paying real  
17 property taxes on the property and who is an owner of record of  
18 a legal or equitable interest in the cooperative apartment  
19 building, other than a leasehold interest. In the instance of a  
20 cooperative where a homestead exemption has been granted under  
21 this Section, the cooperative association or its management  
22 firm shall credit the savings resulting from that exemption  
23 only to the apportioned tax liability of the owner who  
24 qualified for the exemption. Any person who willfully refuses  
25 to credit that savings to an owner who qualifies for the  
26 exemption is guilty of a Class B misdemeanor.

1       If a homestead exemption has been granted under this  
2 Section and an applicant then becomes a resident of a facility  
3 licensed under the Nursing Home Care Act, then the exemption is  
4 granted in subsequent years so long as the residence (i)  
5 continues to be occupied by the applicant or (ii) if remaining  
6 unoccupied, is still owned by the qualified retired police or  
7 firefighter for the homestead exemption.

8       If married applicants, maintain separate residences, then  
9 the exemption provided for in this Section may be claimed by  
10 only one of such persons and for only one residence.

11       To receive the exemption, an applicant must submit an  
12 application by July 1 of each taxable year to the chief county  
13 assessment officer of the county in which the property is  
14 located. A county may, by ordinance, establish a date for  
15 submission of applications that is different than July 1. The  
16 chief county assessment officer shall, annually, give notice of  
17 the application period by mail or by publication. The  
18 Department shall establish, by rule, a method for verifying the  
19 accuracy of applications filed by applicants under this  
20 Section. The applications must be clearly marked as  
21 applications for the disabled veterans assessment freeze  
22 homestead exemption.

23       If an applicant fails to file the application required by  
24 this Section in a timely manner and this failure to file is due  
25 to a mental or physical condition sufficiently severe so as to  
26 render the applicant incapable of filing the application in a

1 timely manner, the chief county assessment officer may extend  
2 the filing deadline for a period of 30 days after the applicant  
3 regains the capability to file the application, but in no case  
4 may the filing deadline be extended beyond 3 months of the  
5 original filing deadline. In order to receive the extension  
6 provided in this paragraph, the applicant must provide the  
7 chief county assessment officer with a signed statement from  
8 the applicant's physician stating the nature and extent of the  
9 condition, that, in the physician's opinion, the condition was  
10 so severe that it rendered the applicant incapable of filing  
11 the application in a timely manner, and the date on which the  
12 applicant regained the capability to file the application.

13 For purposes of this Section, a person who first becomes  
14 eligible during the current taxable year is eligible to apply  
15 for the homestead exemption during that taxable year. The  
16 application must be made during the application period in  
17 effect for the county of his or her residence.

18 The chief county assessment officer may determine the  
19 eligibility of a life care facility that qualifies as a  
20 cooperative to receive the benefits provided by this Section by  
21 use of an affidavit, application, visual inspection,  
22 questionnaire, or other reasonable method in order to insure  
23 that the tax savings resulting from the exemption are credited  
24 by the management firm to the apportioned tax liability of each  
25 qualifying resident. The chief county assessment officer may  
26 request reasonable proof that the management firm has so

1 credited that exemption.

2 Except as provided in this Section, all information  
3 received by the chief county assessment officer or the  
4 Department from applications filed under this Section, or from  
5 any investigation conducted under the provisions of this  
6 Section, shall be confidential, except for official purposes or  
7 pursuant to official procedures for collection of any State or  
8 local tax or enforcement of any civil or criminal penalty or  
9 sanction imposed by this Act or by any statute or ordinance  
10 imposing a State or local tax. Any person who divulges any such  
11 information in any manner, except in accordance with a proper  
12 judicial order, is guilty of a Class A misdemeanor. Nothing  
13 contained in this Section shall prevent the Director or chief  
14 county assessment officer from publishing or making available  
15 reasonable statistics concerning the operation of the  
16 exemption contained in this Section in which the contents of  
17 claims are grouped into aggregates in such a way that  
18 information contained in any individual claim shall not be  
19 disclosed.

20 A taxpayer who claims an exemption under Section 15-165,  
21 15-168, or 15-169 may not claim an exemption under this  
22 Section.

23 (35 ILCS 200/15-168)

24 Sec. 15-168. Disabled persons' homestead exemption.

25 (a) Beginning with taxable year 2007, an annual homestead

1 exemption is granted to disabled persons in the amount of  
2 \$2,000, except as provided in subsection (c), to be deducted  
3 from the property's value as equalized or assessed by the  
4 Department of Revenue. The disabled person shall receive the  
5 homestead exemption upon meeting the following requirements:

6 (1) The property must be occupied as the primary  
7 residence by the disabled person.

8 (2) The disabled person must be liable for paying the  
9 real estate taxes on the property.

10 (3) The disabled person must be an owner of record of  
11 the property or have a legal or equitable interest in the  
12 property as evidenced by a written instrument. In the case  
13 of a leasehold interest in property, the lease must be for  
14 a single family residence.

15 A person who is disabled during the taxable year is  
16 eligible to apply for this homestead exemption during that  
17 taxable year. Application must be made during the application  
18 period in effect for the county of residence. If a homestead  
19 exemption has been granted under this Section and the person  
20 awarded the exemption subsequently becomes a resident of a  
21 facility licensed under the Nursing Home Care Act, then the  
22 exemption shall continue (i) so long as the residence continues  
23 to be occupied by the qualifying person's spouse or (ii) if the  
24 residence remains unoccupied but is still owned by the person  
25 qualified for the homestead exemption.

26 (b) For the purposes of this Section, "disabled person"

1 means a person unable to engage in any substantial gainful  
2 activity by reason of a medically determinable physical or  
3 mental impairment which can be expected to result in death or  
4 has lasted or can be expected to last for a continuous period  
5 of not less than 12 months. Disabled persons filing claims  
6 under this Act shall submit proof of disability in such form  
7 and manner as the Department shall by rule and regulation  
8 prescribe. Proof that a claimant is eligible to receive  
9 disability benefits under the Federal Social Security Act shall  
10 constitute proof of disability for purposes of this Act.  
11 Issuance of an Illinois Disabled Person Identification Card  
12 stating that the claimant is under a Class 2 disability, as  
13 defined in Section 4A of The Illinois Identification Card Act,  
14 shall constitute proof that the person named thereon is a  
15 disabled person for purposes of this Act. A disabled person not  
16 covered under the Federal Social Security Act and not  
17 presenting a Disabled Person Identification Card stating that  
18 the claimant is under a Class 2 disability shall be examined by  
19 a physician designated by the Department, and his status as a  
20 disabled person determined using the same standards as used by  
21 the Social Security Administration. The costs of any required  
22 examination shall be borne by the claimant.

23 (c) For land improved with (i) an apartment building owned  
24 and operated as a cooperative or (ii) a life care facility as  
25 defined under Section 2 of the Life Care Facilities Act that is  
26 considered to be a cooperative, the maximum reduction from the

1 value of the property, as equalized or assessed by the  
2 Department, shall be multiplied by the number of apartments or  
3 units occupied by a disabled person. The disabled person shall  
4 receive the homestead exemption upon meeting the following  
5 requirements:

6 (1) The property must be occupied as the primary  
7 residence by the disabled person.

8 (2) The disabled person must be liable by contract with  
9 the owner or owners of record for paying the apportioned  
10 property taxes on the property of the cooperative or life  
11 care facility. In the case of a life care facility, the  
12 disabled person must be liable for paying the apportioned  
13 property taxes under a life care contract as defined in  
14 Section 2 of the Life Care Facilities Act.

15 (3) The disabled person must be an owner of record of a  
16 legal or equitable interest in the cooperative apartment  
17 building. A leasehold interest does not meet this  
18 requirement.

19 If a homestead exemption is granted under this subsection, the  
20 cooperative association or management firm shall credit the  
21 savings resulting from the exemption to the apportioned tax  
22 liability of the qualifying disabled person. The chief county  
23 assessment officer may request reasonable proof that the  
24 association or firm has properly credited the exemption. A  
25 person who willfully refuses to credit an exemption to the  
26 qualified disabled person is guilty of a Class B misdemeanor.

1 (d) The chief county assessment officer shall determine the  
2 eligibility of property to receive the homestead exemption  
3 according to guidelines established by the Department. After a  
4 person has received an exemption under this Section, an annual  
5 verification of eligibility for the exemption shall be mailed  
6 to the taxpayer.

7 In counties with fewer than 3,000,000 inhabitants, the  
8 chief county assessment officer shall provide to each person  
9 granted a homestead exemption under this Section a form to  
10 designate any other person to receive a duplicate of any notice  
11 of delinquency in the payment of taxes assessed and levied  
12 under this Code on the person's qualifying property. The  
13 duplicate notice shall be in addition to the notice required to  
14 be provided to the person receiving the exemption and shall be  
15 given in the manner required by this Code. The person filing  
16 the request for the duplicate notice shall pay an  
17 administrative fee of \$5 to the chief county assessment  
18 officer. The assessment officer shall then file the executed  
19 designation with the county collector, who shall issue the  
20 duplicate notices as indicated by the designation. A  
21 designation may be rescinded by the disabled person in the  
22 manner required by the chief county assessment officer.

23 (e) A taxpayer who claims an exemption under Section  
24 15-165, 15-167.5, or 15-169 may not claim an exemption under  
25 this Section.

26 (Source: P.A. 95-644, eff. 10-12-07.)

1 (35 ILCS 200/15-169)

2 Sec. 15-169. Disabled veterans standard homestead  
3 exemption.

4 (a) Beginning with taxable year 2007, an annual homestead  
5 exemption, limited to the amounts set forth in subsection (b),  
6 is granted for property that is used as a qualified residence  
7 by a disabled veteran.

8 (b) The amount of the exemption under this Section is as  
9 follows:

10 (1) for veterans with a service-connected disability  
11 of at least 75%, as certified by the United States  
12 Department of Veterans Affairs, the annual exemption is  
13 \$5,000; and

14 (2) for veterans with a service-connected disability  
15 of at least 50%, but less than 75%, as certified by the  
16 United States Department of Veterans Affairs, the annual  
17 exemption is \$2,500.

18 (c) The tax exemption under this Section carries over to  
19 the benefit of the veteran's surviving spouse as long as the  
20 spouse holds the legal or beneficial title to the homestead,  
21 permanently resides thereon, and does not remarry. If the  
22 surviving spouse sells the property, an exemption not to exceed  
23 the amount granted from the most recent ad valorem tax roll may  
24 be transferred to his or her new residence as long as it is  
25 used as his or her primary residence and he or she does not

1 remarry.

2 (d) The exemption under this Section applies for taxable  
3 year 2007 and thereafter. A taxpayer who claims an exemption  
4 under Section 15-165, 15-167.5, or 15-168 may not claim an  
5 exemption under this Section.

6 (e) Application must be made during the application period  
7 in effect for the county of his or her residence. The assessor  
8 or chief county assessment officer may determine the  
9 eligibility of residential property to receive the homestead  
10 exemption provided by this Section by application, visual  
11 inspection, questionnaire, or other reasonable methods. The  
12 determination must be made in accordance with guidelines  
13 established by the Department.

14 (f) For the purposes of this Section:

15 "Qualified residence" means real property, but less any  
16 portion of that property that is used for commercial purposes,  
17 with an equalized assessed value of less than \$250,000 that is  
18 the disabled veteran's primary residence. Property rented for  
19 more than 6 months is presumed to be used for commercial  
20 purposes.

21 "Veteran" means an Illinois resident who has served as a  
22 member of the United States Armed Forces on active duty or  
23 State active duty, a member of the Illinois National Guard, or  
24 a member of the United States Reserve Forces and who has  
25 received an honorable discharge.

26 (Source: P.A. 95-644, eff. 10-12-07.)

1 (35 ILCS 200/20-178)

2 Sec. 20-178. Certificate of error; refund; interest. When  
3 the county collector makes any refunds due on certificates of  
4 error issued under Sections 14-15 through 14-25 that have been  
5 either certified or adjudicated, the county collector shall pay  
6 the taxpayer interest on the amount of the refund at the rate  
7 of 0.5% per month.

8 No interest shall be due under this Section for any time  
9 prior to 60 days after the effective date of this amendatory  
10 Act of the 91st General Assembly. For certificates of error  
11 issued prior to the effective date of this amendatory Act of  
12 the 91st General Assembly, the county collector shall pay the  
13 taxpayer interest from 60 days after the effective date of this  
14 amendatory Act of the 91st General Assembly until the date the  
15 refund is paid. For certificates of error issued on or after  
16 the effective date of this amendatory Act of the 91st General  
17 Assembly, interest shall be paid from 60 days after the  
18 certificate of error is issued by the chief county assessment  
19 officer to the date the refund is made. To cover the cost of  
20 interest, the county collector shall proportionately reduce  
21 the distribution of taxes collected for each taxing district in  
22 which the property is situated.

23 This Section shall not apply to any certificate of error  
24 granting a homestead exemption under Section 15-167.5, 15-170,  
25 15-172, 15-175, 15-176, or 15-177.

1 (Source: P.A. 95-644, eff. 10-12-07.)

2 (35 ILCS 200/21-135)

3 Sec. 21-135. Mailed notice of application for judgment and  
4 sale. Not less than 15 days before the date of application for  
5 judgment and sale of delinquent properties, the county  
6 collector shall mail, by registered or certified mail, a notice  
7 of the forthcoming application for judgment and sale to the  
8 person shown by the current collector's warrant book to be the  
9 party in whose name the taxes were last assessed or to the  
10 current owner of record and, if applicable, to the party  
11 specified under Section 15-167.5 or 15-170. The notice shall  
12 include the intended dates of application for judgment and sale  
13 and commencement of the sale, and a description of the  
14 properties. The county collector must present proof of the  
15 mailing to the court along with the application for judgement.

16 In counties with less than 3,000,000 inhabitants, a copy of  
17 this notice shall also be mailed by the county collector by  
18 registered or certified mail to any lienholder of record who  
19 annually requests a copy of the notice. The failure of the  
20 county collector to mail a notice or its non-delivery to the  
21 lienholder shall not affect the validity of the judgment.

22 In counties with 3,000,000 or more inhabitants, notice  
23 shall not be mailed to any person when, under Section 14-15, a  
24 certificate of error has been executed by the county assessor  
25 or by both the county assessor and board of appeals (until the

1 first Monday in December 1998 and the board of review beginning  
2 the first Monday in December 1998 and thereafter), except as  
3 provided by court order under Section 21-120.

4 The collector shall collect \$10 from the proceeds of each  
5 sale to cover the costs of registered or certified mailing and  
6 the costs of advertisement and publication. If a taxpayer pays  
7 the taxes on the property after the notice of the forthcoming  
8 application for judgment and sale is mailed but before the sale  
9 is made, then the collector shall collect \$10 from the taxpayer  
10 to cover the costs of registered or certified mailing and the  
11 costs of advertisement and publication.

12 (Source: P.A. 93-899, eff. 8-10-04.)

13 Section 15. The County Economic Development Project Area  
14 Property Tax Allocation Act is amended by changing Section 6 as  
15 follows:

16 (55 ILCS 85/6) (from Ch. 34, par. 7006)

17 Sec. 6. Filing with county clerk; certification of initial  
18 equalized assessed value.

19 (a) The county shall file a certified copy of any ordinance  
20 authorizing property tax allocation financing for an economic  
21 development project area with the county clerk, and the county  
22 clerk shall immediately thereafter determine (1) the most  
23 recently ascertained equalized assessed value of each lot,  
24 block, tract or parcel of real property within the economic

1 development project area from which shall be deducted the  
2 homestead exemptions under Article 15 of the Property Tax Code,  
3 which value shall be the "initial equalized assessed value" of  
4 each such piece of property, and (2) the total equalized  
5 assessed value of all taxable real property within the economic  
6 development project area by adding together the most recently  
7 ascertained equalized assessed value of each taxable lot,  
8 block, tract, or parcel of real property within such economic  
9 development project area, from which shall be deducted the  
10 homestead exemptions provided by Sections 15-167.5, 15-170,  
11 15-175, and 15-176 of the Property Tax Code. Upon receiving  
12 written notice from the Department of its approval and  
13 certification of such economic development project area, the  
14 county clerk shall immediately certify such amount as the  
15 "total initial equalized assessed value" of the taxable  
16 property within the economic development project area.

17 (b) After the county clerk has certified the "total initial  
18 equalized assessed value" of the taxable real property in the  
19 economic development project area, then in respect to every  
20 taxing district containing an economic development project  
21 area, the county clerk or any other official required by law to  
22 ascertain the amount of the equalized assessed value of all  
23 taxable property within that taxing district for the purpose of  
24 computing the rate percent of tax to be extended upon taxable  
25 property within the taxing district, shall in every year that  
26 property tax allocation financing is in effect ascertain the

1 amount of value of taxable property in an economic development  
2 project area by including in that amount the lower of the  
3 current equalized assessed value or the certified "total  
4 initial equalized assessed value" of all taxable real property  
5 in such area. The rate percent of tax determined shall be  
6 extended to the current equalized assessed value of all  
7 property in the economic development project area in the same  
8 manner as the rate percent of tax is extended to all other  
9 taxable property in the taxing district. The method of  
10 allocating taxes established under this Section shall  
11 terminate when the county adopts an ordinance dissolving the  
12 special tax allocation fund for the economic development  
13 project area. This Act shall not be construed as relieving  
14 property owners within an economic development project area  
15 from paying a uniform rate of taxes upon the current equalized  
16 assessed value of their taxable property as provided in the  
17 Property Tax Code.

18 (Source: P.A. 95-644, eff. 10-12-07.)

19 Section 20. The Illinois Municipal Code is amended by  
20 changing Section 11-74.4-9 as follows:

21 (65 ILCS 5/11-74.4-9) (from Ch. 24, par. 11-74.4-9)

22 Sec. 11-74.4-9. Equalized assessed value of property.

23 (a) If a municipality by ordinance provides for tax  
24 increment allocation financing pursuant to Section 11-74.4-8,

1 the county clerk immediately thereafter shall determine (1) the  
2 most recently ascertained equalized assessed value of each lot,  
3 block, tract or parcel of real property within such  
4 redevelopment project area from which shall be deducted the  
5 homestead exemptions under Article 15 of the Property Tax Code,  
6 which value shall be the "initial equalized assessed value" of  
7 each such piece of property, and (2) the total equalized  
8 assessed value of all taxable real property within such  
9 redevelopment project area by adding together the most recently  
10 ascertained equalized assessed value of each taxable lot,  
11 block, tract, or parcel of real property within such project  
12 area, from which shall be deducted the homestead exemptions  
13 provided by Sections 15-167.5, 15-170, 15-175, and 15-176 of  
14 the Property Tax Code, and shall certify such amount as the  
15 "total initial equalized assessed value" of the taxable real  
16 property within such project area.

17 (b) In reference to any municipality which has adopted tax  
18 increment financing after January 1, 1978, and in respect to  
19 which the county clerk has certified the "total initial  
20 equalized assessed value" of the property in the redevelopment  
21 area, the municipality may thereafter request the clerk in  
22 writing to adjust the initial equalized value of all taxable  
23 real property within the redevelopment project area by  
24 deducting therefrom the exemptions under Article 15 of the  
25 Property Tax Code applicable to each lot, block, tract or  
26 parcel of real property within such redevelopment project area.

1 The county clerk shall immediately after the written request to  
2 adjust the total initial equalized value is received determine  
3 the total homestead exemptions in the redevelopment project  
4 area provided by Sections 15-167.5, 15-170, 15-175, and 15-176  
5 of the Property Tax Code by adding together the homestead  
6 exemptions provided by said Sections on each lot, block, tract  
7 or parcel of real property within such redevelopment project  
8 area and then shall deduct the total of said exemptions from  
9 the total initial equalized assessed value. The county clerk  
10 shall then promptly certify such amount as the "total initial  
11 equalized assessed value as adjusted" of the taxable real  
12 property within such redevelopment project area.

13 (c) After the county clerk has certified the "total initial  
14 equalized assessed value" of the taxable real property in such  
15 area, then in respect to every taxing district containing a  
16 redevelopment project area, the county clerk or any other  
17 official required by law to ascertain the amount of the  
18 equalized assessed value of all taxable property within such  
19 district for the purpose of computing the rate per cent of tax  
20 to be extended upon taxable property within such district,  
21 shall in every year that tax increment allocation financing is  
22 in effect ascertain the amount of value of taxable property in  
23 a redevelopment project area by including in such amount the  
24 lower of the current equalized assessed value or the certified  
25 "total initial equalized assessed value" of all taxable real  
26 property in such area, except that after he has certified the

1 "total initial equalized assessed value as adjusted" he shall  
2 in the year of said certification if tax rates have not been  
3 extended and in every year thereafter that tax increment  
4 allocation financing is in effect ascertain the amount of value  
5 of taxable property in a redevelopment project area by  
6 including in such amount the lower of the current equalized  
7 assessed value or the certified "total initial equalized  
8 assessed value as adjusted" of all taxable real property in  
9 such area. The rate per cent of tax determined shall be  
10 extended to the current equalized assessed value of all  
11 property in the redevelopment project area in the same manner  
12 as the rate per cent of tax is extended to all other taxable  
13 property in the taxing district. The method of extending taxes  
14 established under this Section shall terminate when the  
15 municipality adopts an ordinance dissolving the special tax  
16 allocation fund for the redevelopment project area. This  
17 Division shall not be construed as relieving property owners  
18 within a redevelopment project area from paying a uniform rate  
19 of taxes upon the current equalized assessed value of their  
20 taxable property as provided in the Property Tax Code.

21 (Source: P.A. 95-644, eff. 10-12-07.)

22 Section 25. The Economic Development Project Area Tax  
23 Increment Allocation Act of 1995 is amended by changing Section  
24 45 as follows:

1 (65 ILCS 110/45)

2 Sec. 45. Filing with county clerk; certification of initial  
3 equalized assessed value.

4 (a) A municipality that has by ordinance approved an  
5 economic development plan, established an economic development  
6 project area, and adopted tax increment allocation financing  
7 for that area shall file certified copies of the ordinance or  
8 ordinances with the county clerk. Upon receiving the ordinance  
9 or ordinances, the county clerk shall immediately determine (i)  
10 the most recently ascertained equalized assessed value of each  
11 lot, block, tract, or parcel of real property within the  
12 economic development project area from which shall be deducted  
13 the homestead exemptions under Article 15 of the Property Tax  
14 Code (that value being the "initial equalized assessed value"  
15 of each such piece of property) and (ii) the total equalized  
16 assessed value of all taxable real property within the economic  
17 development project area by adding together the most recently  
18 ascertained equalized assessed value of each taxable lot,  
19 block, tract, or parcel of real property within the economic  
20 development project area, from which shall be deducted the  
21 homestead exemptions provided by Sections 15-167.5, 15-170,  
22 15-175, and 15-176 of the Property Tax Code, and shall certify  
23 that amount as the "total initial equalized assessed value" of  
24 the taxable real property within the economic development  
25 project area.

26 (b) After the county clerk has certified the "total initial

1 equalized assessed value" of the taxable real property in the  
2 economic development project area, then in respect to every  
3 taxing district containing an economic development project  
4 area, the county clerk or any other official required by law to  
5 ascertain the amount of the equalized assessed value of all  
6 taxable property within the taxing district for the purpose of  
7 computing the rate per cent of tax to be extended upon taxable  
8 property within the taxing district shall, in every year that  
9 tax increment allocation financing is in effect, ascertain the  
10 amount of value of taxable property in an economic development  
11 project area by including in that amount the lower of the  
12 current equalized assessed value or the certified "total  
13 initial equalized assessed value" of all taxable real property  
14 in the area. The rate per cent of tax determined shall be  
15 extended to the current equalized assessed value of all  
16 property in the economic development project area in the same  
17 manner as the rate per cent of tax is extended to all other  
18 taxable property in the taxing district. The method of  
19 extending taxes established under this Section shall terminate  
20 when the municipality adopts an ordinance dissolving the  
21 special tax allocation fund for the economic development  
22 project area. This Act shall not be construed as relieving  
23 owners or lessees of property within an economic development  
24 project area from paying a uniform rate of taxes upon the  
25 current equalized assessed value of their taxable property as  
26 provided in the Property Tax Code.

1 (Source: P.A. 95-644, eff. 10-12-07.)

2 Section 90. The State Mandates Act is amended by adding  
3 Section 8.33 as follows:

4 (30 ILCS 805/8.33 new)

5 Sec. 8.33. Exempt mandate. Notwithstanding Sections 6 and 8  
6 of this Act, no reimbursement by the State is required for the  
7 implementation of any mandate created by this amendatory Act of  
8 the 96th General Assembly.

9 Section 99. Effective date. This Act takes effect July 1,  
10 2009.

1 INDEX

2 Statutes amended in order of appearance

3 20 ILCS 620/6 from Ch. 67 1/2, par. 1006

4 35 ILCS 200/15-10

5 35 ILCS 200/15-165

6 35 ILCS 200/15-167.5 new

7 35 ILCS 200/15-168

8 35 ILCS 200/15-169

9 35 ILCS 200/20-178

10 35 ILCS 200/21-135

11 55 ILCS 85/6 from Ch. 34, par. 7006

12 65 ILCS 5/11-74.4-9 from Ch. 24, par. 11-74.4-9

13 65 ILCS 110/45

14 30 ILCS 805/8.33 new